

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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| JOSEPH MORTON, |) | |
| |) | Civil Action No. 06-166 |
| Petitioner |) | |
| |) | Judge Arthur Schwab/ |
| vs. |) | Magistrate Judge Lisa Pupo |
| |) | Lenihan |
| FRANKLIN TENNIS, |) | |
| |) | |
| Respondents |) | |
| |) | |
| |) | |

MEMORANDUM ORDER


The Attorney General's office has filed an answer, Doc. 7, in which it notes that Petitioner has not named the Allegheny County District Attorney's Office, nor has the habeas petition, which seeks to challenge his state conviction, been served on the Allegheny County District Attorney's Office.

Therefore, IT IS ORDERED this 18th day of April, 2006, that Petitioner shall file an amended petition naming all of the correct Respondents, including the District Attorney of Allegheny County.

IT IS FURTHER ORDERED that the amended petition shall be filed no later than May 15, 2006. Failure to file an amended petition by May 15, 2006 may result in a recommendation to the District Judge that this Petition be dismissed for failure to prosecute.

IT IS FURTHER ORDERED THAT in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to

file an appeal from this order to the District Court. Any opposing party shall have seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.



Lisa Pupo Lenihan
U.S. Magistrate Judge

cc: The Honorable Arthur J. Schwab
United States District Judge

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